

Appl. No. 10/608,989
Amendment dated July 25, 2005
Reply to Office Action of April 25, 2005

Remarks/Arguments

Summary of status and response

Claims 1-28 and 30-31 are pending and stand rejected on varying grounds under §112 and 103(a).

Claims 30-31 have been amended to change the numbering of these claims to claim 29 and claim 30, respectively, in order to correct for a clerical error in the application as filed. The Title, Abstract, and Related Applications paragraph of the specification have been amended in view of the Examiner's concerns. Claims 1-5, 7, 10, 12-16, 18, 21 23-26, 29, and 30 have been amended to replace [voiced] with spoken and [communications unit] with subscriber device without impacting the scope of the claims as originally filed. The independent claims have further been amended to clarify the source of the spoken instructions. Now new matter has been added with any of these amendments.

In view of the comments below, Applicant respectfully requests that the Examiner enter the proposed amendments, reconsider the present application including claims 1-30 as amended, and withdraw the objections to this application and the rejections of these claims.

a) The Title, Abstract, and Specification are objected to for various informalities.

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In view of the amendments to each of these items as specified above, it is believed that these objections have been successfully traversed and thus the Applicant respectfully requests that the Examiner reconsider and withdraw these objections.

b) Claims 1-11 and 23-28, 30 and 31 stand rejected under 35 U.S.C. 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. As noted above claims 30-31 have been renumbered to claims 29-30 and will be referred to as such in all further discussions.

Claims 1 and 23 are in independent form with the other cited claims dependent on the closest lower numbered one of the independent claims. Applicant has amended these claims and substituted spoken for voiced as well as substituted subscriber device for communications unit in any of these or any other pending claims where those words were found.

In addition claim 1 has been amended/reworded to clarify that this claim defines a method for a remote agent to assist with control of a subscriber device and the method comprises receiving spoken instructions from the subscriber device, converting the spoken instructions to control commands and sending these commands from the remote agent to the subscriber device all as specifically claimed.

Furthermore claim 23 has been reworded to clarify the claim as defining a software program that when executed on a processor (server) facilitates control of a subscriber device.

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More specifically the server performs a method comprising receiving spoken instructions from the subscriber device, converting these spoken instructions to control commands and sending control commands corresponding to those spoken instructions to the subscriber device all as specifically claimed.

Applicant respectfully submits that independent claim 1 and 23 are definite and describe as specifically and definitely claimed, respectively, a method and a software program that facilitates a method. The respective methods include receiving spoken instructions from a subscriber unit, converting those instructions to commands and returning a control message with those commands to the subscriber unit as particularly pointed out in the claim language.

These claims clearly define the input, the conversion process, and the output and thus Applicant respectfully submits that these claims as amended comply with all aspects of §112. Therefore, Applicant respectfully requests that the Examiner reconsider and withdraw this rejection of claims 1-11 and 23-28, 29 and 30 under 35 U.S.C. 112

c) Claims 1-3, 6, 7, 12-14, 17, 18, 23, 24, and 26 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Miner et al (U.S. Patent No. 5,6652,789) in view of Ladd et al. (U.S. Patent No.6,269,336).

Claims 1, 12, and 23 are in independent form with other cited claims dependent on the next closest lowered numbered one of the independent claims.

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Claims 1 and 23 and amendments thereto have been discussed immediately above. Claim 12 defines a server including a receiver to receive spoken instructions from a subscriber unit, a controller to convert those instructions to commands and provide a corresponding control message, and a transmitter to send the control message to the subscriber unit all as specifically claimed.

While Miner et al discusses and describes an agent or the like operating to assist a subscriber unit with receiving or sending phone calls etc., Miner does not show or suggest aiding a given subscriber unit or control thereof and the like as claimed. Miner et al. in the cited passages (including col. 12, lines 34-40) or the balance of this reference does not show receiving spoken instructions from a subscriber device and returning corresponding commands to that subscriber device all as claimed by either independent claim 1, 12, or 23 or by virtue of dependency claims dependent thereon. In essence Miner et al. attempts to minimize the functionality of a given subscriber device by letting a network based entity perform much of this functionality on behalf of the subscriber device (see abstract, FIG. 5 and corresponding discussion). The devices 92, 114, etc of Miner et al. are essentially basic 'dumb' devices. Ladd et al. deals with a voice accessed browser and does not supply or suggest taken alone or with Miner et al the missing teachings.

Therefore and at least in view of the reasons noted above, Applicant respectfully submits that Miner et al and Ladd et al taken alone or together do not show or suggest the claimed invention of either claim 1, 12, or 23 or by virtue of dependency any of the dependent claims and hence these references do not support a §103(a) rejection of these claims. Thus, Applicant respectfully requests that the Examiner reconsider and withdraw this rejection of claims 1-3, 6, 7,

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12-14, 17, 18, 23, 24, and 26 under 35 U.S.C. 103(a) based on Miner et al (U.S. Patent No. 5,6652,789) in view of Ladd et al. (U.S. Patent No.6,269,336).

d) Claims 8-11, and 19-22 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Miner in view of Ladd as applied to claim 7 above, and further in view of Lucent (Lucent Unveils Bell Labs Predictive Algorithms for Call Centers, 4 Feb 1998).

Claims 8-11 are dependent on claim 1 and claims 19-22 are dependent on claim 12. Lucent does not show the features of claim 1 or 12 that are absent from the combination of Miner et al and Ladd et al. and thus claims 1 and 12 appear to be allowable over this combination of references. Thus at least by virtue of dependency on an allowable claim, dependent claims 8-11, and 19-22 should also be allowable. Therefore, Applicant respectfully requests that the Examiner reconsider and withdraw this rejection of claims 8-11, and 19-22 under 35 U.S.C. 103(a) based on Miner in view of Ladd and further in view of Lucent (Lucent Unveils Bell Labs Predictive Algorithms for Call Centers, 4 Feb 1998).

e) Claims 4, 5, 15, 16, and 25 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Miner in view of Ladd as applied to claim 1 above, in further view of Newton (Newton's Telecom Dictionary).

Claims 4 and 5 are dependent on claim 1, claims 15 and 16 are dependent on claim 12 and claim 25 is dependent on claim 23. Newton does not show the features of claim 1, 12, or 23

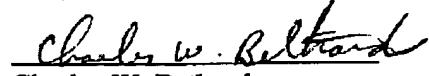
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that are absent from the combination of Miner et al and Ladd et al and thus claims 1, 12, and 23 appear to be allowable over this combination of references. Thus at least by virtue of dependency on an allowable claim, dependent claims 4, 5, 16, and 25 should also be allowable. Therefore, Applicant respectfully requests that the Examiner reconsider and withdraw this rejection of claims 4, 5, 15, 16, and 25 under 35 U.S.C. 103(a) based on Miner in view of Ladd and further in view of Newton (Newton's Telecom Dictionary).

Accordingly, Applicant respectfully submits that the claims, as amended, clearly and patentably distinguish over the cited references of record and as such are to be deemed allowable. Such allowance is hereby earnestly and respectfully solicited at an early date. If the Examiner has any suggestions or comments or questions, calls are welcomed at the phone number below.

Although it is not anticipated that any fees are due or payable since this response is being timely filed within the allowed three month time period, the Commissioner is hereby authorized to charge any fees that may be required to Deposit Account No. 50-3435.

Respectfully submitted,



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Attachments: Amended Abstract

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